

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DIVISION OF TENNESSEE  
EASTERN DIVISION

FILED BY *[Signature]*  
05 DEC -2 AM 8:29  
CLERK, U.S. DISTRICT COURT  
W.D. OF TENN. JACKSON

JANICE C. MCFARLAND,

Plaintiff,

-VS-

NO. 1:05-cv-01256-T/An

WELLMARK BLUE CROSS,  
BLUE SHIELD OF IOWA,

Defendant.

RULE 16(b) SCHEDULING ORDER

Pursuant to the scheduling conference set by written notice, the following dates  
are established as the final dates for:

**INITIAL DISCLOSURES (RULE 26(a)(1):**

No later than 14 days after the date set for the Scheduling Conference unless a  
later date is authorized by the Court due to special circumstances.

December 16, 2005

**JOINING PARTIES:**

for Plaintiff: Within 2 months after scheduling conference

February 2, 2006

for Defendant: Within 3 months after scheduling conference

March 2, 2006

**AMENDING PLEADINGS:**

for Plaintiff: Within 2 months after scheduling conference

February 2, 2006

for Defendant: Within 3 months after scheduling conference

March 2, 2006

**COMPLETING ALL DISCOVERY:** Within 6 to 8 months after scheduling conference.

\_\_\_\_\_  
July 2, 2006

- (a) **REQUESTS FOR PRODUCTION, INTERROGATORIES and REQUESTS FOR ADMISSIONS:** Within 6 to 8 months after scheduling conference.

\_\_\_\_\_  
July 2, 2006

- (b) **EXPERT DISCLOSURE** (Rule 26(a)(2):  
(i) Plaintiff's Experts: No later than 2 months before close of discovery

\_\_\_\_\_  
May 2, 2006

- (ii) Defendant's Experts: No later than 1 month before close of discovery  
(iii) Supplementation under Rule 26(e): 10 days after Defendant's disclosure

\_\_\_\_\_  
June 2, 2006

- (c) **DEPOSITIONS OF EXPERTS:** Same as discovery deadline unless a later date is authorized by the Court due to special circumstances

\_\_\_\_\_  
July 2, 2006

**FILING DISPOSITIVE MOTIONS:** 3 months before trial

\_\_\_\_\_  
September 2, 2006

**FINAL LISTS OF WITNESSES AND EXHIBITS (Rule 26(a)(3)):**

- (a) for Plaintiff: 45 days before trial

\_\_\_\_\_  
October 17, 2006

- (b) for Defendant: 30 days before trial

\_\_\_\_\_  
November 6, 2006

Parties shall have 10 days after service of final lists of witnesses and exhibits to file objections under Rule 26(a)(3).

The trial of this matter is expected to last 2 days and is SET for JURY TRIAL on December 6, 2006 at 9:30 AM. A joint pretrial order is due on November 24, 2006. In the event the parties are unable to agree on a joint pretrial order, the parties must notify the court at least ten days before trial.

**OTHER RELEVANT MATTERS:**

Interrogatories, Requests for Production and Requests for Admissions must be submitted to the opposing party in sufficient time for the opposing party to respond by the deadline for completion of discovery. For example, if the FRCP allow 30 days for a party to respond, then the discovery must be submitted at least 30 days prior to the deadline for completion of discovery.

Motions to compel discovery are to be filed and served by the discovery deadline or within 30 days of the default or service of the response, answer or objection which is the subject of the motion if the default occurs within 30 days of the discovery deadline, unless the time for filing of such motion is extended for good cause shown, or any objection to the default, response or answer shall be waived.

The parties are reminded that pursuant to Local Rule 7(a)(1)(A) and (a)(1)(B), all motions, except motions pursuant to FRCP 12, 56, 59 and 60 shall be accompanied by a proposed Order and a Certificate of Consultation.

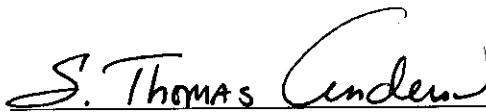
The opposing party may file a response to any motion filed in this matter. Neither party may file an additional reply, however, without leave of the court. If a party believes that a reply is necessary, it shall file a motion for leave to file a reply accompanied by a memorandum setting forth the reasons for which a reply is required.

The parties may consent to trial before the Magistrate Judge. The Magistrate Judge can normally provide the parties with a definite trial date that will not be continued unless a continuance is agreed to by all parties, or an emergency arises which precludes the matter from proceeding to trial.

**The parties are encouraged to engage in court-annexed attorney mediation or private mediation on or before the close of discoveries.**

This order has been entered after consultation with trial counsel pursuant to notice. Absent good cause shown, the scheduling dates set by this Order will not be modified or extended.

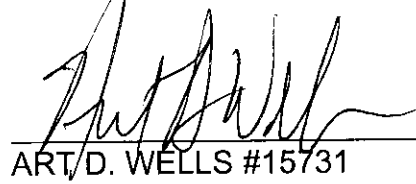
**IT IS SO ORDERED.**

  
S. THOMAS ANDERSON  
UNITED STATES MAGISTRATE JUDGE

DATE: 12-01-05

APPROVED FOR ENTRY:

HILL • BOREN P.C.



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ART/D. WELLS #15731

Attorney for Plaintiff

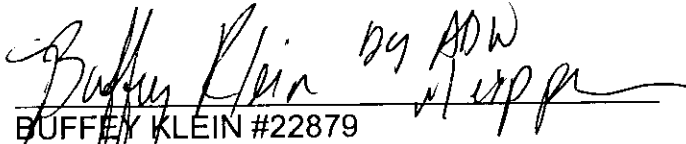
1269 North Highland Avenue

P.O. Box 3539

Jackson, Tennessee 38303-3539

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HUSCH & EPPENBERGER, LLC



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BUFFY KLEIN #22879

Attorney for Defendant

One Memphis Place

200 Jefferson Avenue, Suite 1450

Memphis, TN 38103

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## Notice of Distribution

This notice confirms a copy of the document docketed as number 10 in case 1:05-CV-01256 was distributed by fax, mail, or direct printing on December 6, 2005 to the parties listed.

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Buffey Klein  
HUSCH & EPPENBERGER  
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Ste. 1450  
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Honorable James Todd  
US DISTRICT COURT